

HOUSE No. 1387

By Mr. Petersen of Marblehead, petition of Douglas W. Petersen and others for legislation to direct the Secretary of Environmental Affairs to implement a voluntary “green dot” recycled content labeling program. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

Douglas W. Petersen	Patricia D. Jehlen
Martha M. Walz	Cory Atkins
Anthony J. Verga	

In the Year Two Thousand and Five.

AN ACT TO DIRECT THE SECRETARY OF ENVIRONMENTAL AFFAIRS TO IMPLEMENT A VOLUNTARY “GREEN DOT” RECYCLED CONTENT LABELING PROGRAM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 21A of the Massachusetts General Laws, as appearing
2 in the 2002 Official Edition, is hereby amended by adding after
3 section 18A the following new sections:—

4 Section 18B. Definitions.

5 For the purposes of sections 18B through 18D, inclusive, the
6 following words shall have the following meanings:

7 “Packaging”, containers made of glass, metal, paper, plastic or
8 any combination of such materials used to protect, store, handle,
9 transport, display or market products, including unit packages,
10 intermediate packages, and shipping containers.

11 “Post-consumer”, material or end product that has served its
12 intended use and has been discarded for disposal or has been sepa-
13 rated and diverted from the solid waste stream for recovery. Waste
14 generated during production of an end product is excluded.

15 “Recycled content”, the percentage by weight of the materials
16 used to produce a given product or package which is recycled
17 material.

18 “Recycled material”, any material recovered or otherwise
19 diverted from the solid waste stream either during manufacturing
20 or after consumer use (post-consumer recycled material). To the
21 extent that the source of recycled content includes material other
22 than post-consumer recycled material, such material must other-
23 wise enter the solid waste stream.

24 Section 18C. Labeling Program for Retail Packaging.

25 (a) As of July 1, 2005, all retail packaging used or sold in
26 Massachusetts may display in a conspicuous size and in a conspic-
27 uous place a “green dot” indicating voluntary compliance with the
28 provisions of this act. To bear a “green dot,” packaging must con-
29 form with the recycled content standards promulgated by the Sec-
30 retary of Environmental Affairs pursuant to section 18D of this
31 act.

32 (b) The Secretary of Environmental Affairs shall design and
33 trademark the “green dot” emblem. Such design shall be the only
34 state-approved recycled content label.

35 Section 18D. Administration, Rules, and Regulations.

36 (a) The Secretary of Environmental Affairs shall administer the
37 provisions of sections 18B through 18D and shall promulgate reg-
38 ulations by July 1, 2006 to otherwise effectuate the purposes of
39 this act. Such regulations shall include:

40 (i) Specifications as to the minimum recycled content by per-
41 cent required in order for packaging to display the “green dot.”
42 The specifications shall follow criteria set forth in the Federal
43 Trade Commission Act Guide for the Use of Environmental Mar-
44 keting Claims and shall represent, by material, current “best of
45 industry” practices for use of recycled content. These specifica-
46 tions may be reviewed periodically by the Secretary for revision.

47 (ii) Provisions addressing the enforcement of regulations pro-
48 mulgated pursuant to this section and penalties for misuse of the
49 “green dot” emblem.

50 (b) The Secretary of Environmental Affairs shall also undertake
51 a public education and awareness effort to promote the “green
52 dot” program. The Secretary shall expend no less than four mil-
53 lion dollars over a two year period from funds designated to the
54 Secretary for recycling purposes from the Clean Environment
55 Fund (MGL c. 94, § 323F) for “green dot” promotion. These

56 funds shall not supplant other funds previously designated for
57 recycling programs through the Clean Environment Fund.

58 (c) The Secretary of Environmental Affairs shall also review
59 other applicable state and federal regulations and laws and recom-
60 mend to the General Court adjustments to this act as she deems
61 necessary and appropriate, including, but not limited to, expansion
62 of the “green dot” program to other environmental attributes.